

ESTTA Tracking number: **ESTTA201362**

Filing date: **03/28/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178490
Party	Plaintiff Aesthetica Ltd.
Correspondence Address	Daiva K. Tautvydas Christensen O'Connor Johnson Kindness PLLC 1420 5th Avenue Suite 2800 Seattle, WA 98101 UNITED STATES daiva@cojk.com,efiling@cojk.com
Submission	Motion to Join/Substitute Party
Filer's Name	Daiva K. Tautvydas
Filer's e-mail	daiva@cojk.com, kalatas@cojk.com, litdoc@cojk.com
Signature	/Daiva K. Tautvydas/
Date	03/28/2008
Attachments	Change_of_Opposing_Party_3-28-08_2977.pdf (10 pages)(782150 bytes)

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 Medicis Pharmaceutical Corporation (formerly,
4 Aesthetica Ltd.),

5 Opposer,

6 v.

7 Revance Therapeutics, Inc.,

8 Applicant.

No. 91178490

CHANGE OF OPPOSING PARTY:
AESTHETICA LTD. TO MEDICIS
PHARMACEUTICAL CORPORATION

9 On November 26, 2007, Aesthetica Ltd. ("Aesthetica"), which was a subsidiary of
10 Medicis Pharmaceutical Corporation ("Medicis"), was merged into Medicis Aesthetics
11 Holdings Inc. ("MEAH"), which was also a subsidiary of Medicis. The merger of Aesthetica
12 into MEAH was recorded with the U.S. Patent and Trademark Office ("USPTO") on
13 February 12, 2008, at Reel/Frame No. 3717/0938.

14 Also on November 26, 2007, MEAH was merged into Medicis. This merger was
15 recorded with the USPTO on February 13, 2008, at Reel/Frame No. 3718/0597.

16 The above-referenced mergers were also recorded against U.S. Trademark
17 Registration No. 2,920,018, for the mark RELOXIN, which is the registration that Medicis is
18 relying upon in this opposition. Copies of the merger documents, as well as the Trademark
19 Assignment Details for U.S. Trademark Registration No. 2,920,018, are attached.

20 Through these mergers, Medicis acquired ownership of all intellectual property
21 previously held in the name of Aesthetica and/or MEAH, including the right to enforce such
22 intellectual property.

23 As a result of these mergers, please substitute Medicis Pharmaceutical Corporation for
24 Aesthetica Ltd., as the Opposer in Opposition No. 91178490.

25 If the Trademark Trial and Appeal Board has any questions or requires further
26 documentation to effectuate this change of Opposer, we ask that you please contact the
27

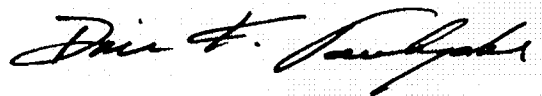
undersigned attorney, **Daiva K. Tautvydas** of Christensen O'Connor Johnson Kindness^{PLLC}
at the following address:

Christensen O'Connor Johnson Kindness^{PLLC}
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101

Please direct all telephone calls to Daiva K. Tautvydas at 206-695-1727.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



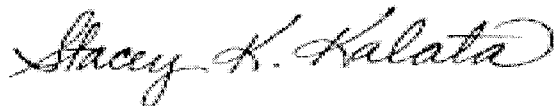
Daiva K. Tautvydas
Registration No. 36,077
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March 2008, a true copy of this Change of
Opposing Party: Aesthetica Ltd. to Medicis Pharmaceutical Corporation was served on
Applicant's Attorney of Record, via regular mail to:

Kathleen E. McCarthy, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, NY 10036-4003

Executed on March 28, 2008



(Signature)



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Trademark Assignment Details

Reel/Frame: 3717/0938

Pages: 5

Received: 02/12/2008

Recorded: 02/12/2008

Attorney Dkt #: MDPC-2-26482

Conveyance: MERGER

Total properties: 1

1 Serial #: 78267163
Mark: RELOXIN

Filing Dt: 06/25/2003

Reg #: 2920018

Reg. Dt: 01/18/2005

Assignor

1 AESTHETICA LTD.

Exec Dt: 11/26/2007

Entity Type: CORPORATION

Citizenship: BERMUDA

Assignee

1 MEDICIS AESTHETICS HOLDINGS INC.
8125 NORTH HAYDEN ROAD
SCOTTSDALE, ARIZONA 85258

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondence name and address

DAIVA K. TAUTVYDAS
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

Search Results as of: 03/21/2008 04:30 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v 2.0.1
Web interface last modified: April 20, 2007 v 2.0.1

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AESTHETICA LTD.", A BERMUDA CORPORATION,

WITH AND INTO "MEDICIS AESTHETICS HOLDINGS INC." UNDER THE NAME OF "MEDICIS AESTHETICS HOLDINGS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SEVENTEENTH DAY OF DECEMBER, A.D. 2007, AT 1:28 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

3652163 8100M

071329600

You may verify this certificate online
at corp.delaware.gov/authver.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6254648

DATE: 12-20-07

CERTIFICATE OF OWNERSHIP AND MERGER OF

AESTHETICA LTD.
(a Bermuda corporation)

INTO

MEDICIS AESTHETICS HOLDINGS INC.
(a Delaware corporation)

[Pursuant to Section 253 of the Delaware General Corporation Law]

It is hereby certified that:

1. MEDICIS AESTHETICS HOLDINGS INC. (hereinafter referred to as the "Corporation") is a corporation organized and existing under the laws of the State of Delaware.
2. The Corporation is the owner of all of the outstanding shares of stock of AESTHETICA LTD., a corporation organized and existing under the laws of the Islands of Bermuda.
3. On November 26, 2007, the Board of Directors of the Corporation adopted the following resolutions to merge AESTHETICA LTD. into the Corporation:

WHEREAS, the undersigned deem it to be in the best interest of each of the Corporation and its wholly-owned subsidiary, AESTHETICA LTD., A BERMUDA CORPORATION, to authorize and direct the officers of the Corporation on its behalf, and to authorize and direct AESTHETICA LTD., to enter into a plan of merger subject to the laws of the State of Delaware and Bermuda, so that AESTHETICA LTD. may be merged into this Corporation (the "Merger");

WHEREAS, the Corporation has been authorized and directed by its sole stockholder, MEDICIS PHARMACEUTICAL CORPORATION, A DELAWARE CORPORATION (the "Sole Stockholder") to enter into, and to cause AESTHETICA LTD. to enter into, any documents necessary to effectuate the Merger, so that as a consequence of such Merger, all of the estate, property, rights, privileges, powers and franchises of AESTHETICA LTD. be vested in and held and enjoyed by this Corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by AESTHETICA LTD. in its name; and

WHEREAS, the Corporation has been authorized and directed by the Sole Shareholder, concurrently with the Merger, to assume all of the obligations of AESTHETICA LTD. (the "Assumption") and to cancel all of the shares of AESTHETICA LTD. without any repayment of capital in respect thereof, and may not thereafter issue any shares or other securities of any kind or character of AESTHETICA LTD. in connection with the Merger. (the "Cancellation").

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Corporation deems it to be advisable and in the best interest of the Corporation that AESTHETICA LTD. be merged with and into the Corporation pursuant to Section 253 of the General Corporation Law of the State of Delaware and Sections 104(B) and 107 of

the [Bermuda] Companies Act 1981 as amended (the "Merger"), and that all of the estate, property, rights, privileges, powers and franchises of AESTHETICA LTD. be vested in and held and enjoyed by the Corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by AESTHETICA LTD. in its name.

FURTHER RESOLVED, that upon the Merger becoming effective, this Corporation shall assume all of the obligations of AESTHETICA LTD.

FURTHER RESOLVED, that upon the Merger becoming effective, all issued and outstanding shares of each class of stock of AESTHETICA LTD. shall be cancelled without any repayment of capital in respect thereof, and the Corporation shall not thereafter issue or cause to be issued any shares or other securities of any kind or character of AESTHETICA LTD. in connection with the Merger.

FURTHER RESOLVED, that the Certificate of Incorporation and the Bylaws of the Corporation, each as amended to date, shall not be amended and shall remain the Certificate of Incorporation and the Bylaws of the surviving corporation.

FURTHER RESOLVED, that the officers of the Corporation, and any of them, are each hereby authorized and directed to execute all documents, agreements and other instruments and to take such actions and perform such acts as they may deem necessary or advisable to carry out and perform the purposes of these resolutions.

FURTHER RESOLVED, that the Corporation shall cause to be executed and filed and/or recorded the documents prescribed by the laws of the State of Delaware or the Bermuda Islands and by the applicable laws of any other jurisdiction and will cause to be performed all necessary acts within Delaware, the Bermuda Islands and in any other applicable jurisdiction necessary and appropriate to effect the Merger.

The Corporation has caused this Certificate of Ownership and Merger to be signed by its Secretary on this 24th day of November, 2007.

MEDICIS AESTHETICS HOLDINGS INC.,
a Delaware corporation

By: 
Name: Jason Hanson
Title: Secretary



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Reg #: 2920018

Reg. Dt: 01/18/2005

Assignor

1 MEDICIS AESTHETICS HOLDINGS INC.

Exec Dt: 11/26/2007

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee

1 MEDICIS PHARMACEUTICAL CORPORATION
8125 NORTH HAYDEN ROAD
SCOTTSDALE, ARIZONA 85258

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondence name and address

DAIVA K. TAUTYDAS
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

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Web interface last modified: April 20, 2007 v 2.0 1

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

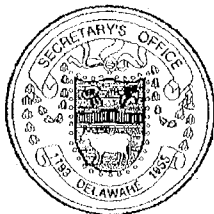
"MEDICIS AESTHETICS HOLDINGS INC.", A DELAWARE CORPORATION, WITH AND INTO "MEDICIS PHARMACEUTICAL CORPORATION" UNDER THE NAME OF "MEDICIS PHARMACEUTICAL CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF DECEMBER, A.D. 2007, AT 1:09 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

2168131 8100M

071371072

You may verify this certificate online
at corp.delaware.gov/authver.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6270517

DATE: 12-28-07

CERTIFICATE OF OWNERSHIP AND MERGER OF

MEDICIS AESTHETICS HOLDINGS INC.
(a Delaware corporation)

INTO

MEDICIS PHARMACEUTICAL CORPORATION
(a Delaware corporation)

[Pursuant to Section 253 of the Delaware General Corporation Law]

It is hereby certified that:

1. MEDICIS PHARMACEUTICAL CORPORATION (hereinafter referred to as the "Corporation") is a corporation organized and existing under the laws of the State of Delaware.

2. The Corporation is the owner of all of the outstanding shares of stock of MEDICIS AESTHETICS HOLDINGS INC., a corporation organized and existing under the laws of the State of Delaware.

3. On November 26, 2007, the Board of Directors of the Corporation adopted the following resolutions to merge MEDICIS AESTHETICS HOLDINGS INC. into the Corporation:

RESOLVED, that the Board of Directors of the Corporation deems it to be advisable and in the best interest of the Corporation that MEDICIS AESTHETICS HOLDINGS INC. be merged with and into the Corporation pursuant to Section 253 of the General Corporation Law of the State of Delaware (the "Merger"), and that all of the estate, property, rights, privileges, powers and franchises of MEDICIS AESTHETICS HOLDINGS INC. be vested in and held and enjoyed by the Corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by MEDICIS AESTHETICS HOLDINGS INC. in its name.

FURTHER RESOLVED, that upon the Merger becoming effective, this Corporation shall assume all of the obligations of MEDICIS AESTHETICS HOLDINGS INC.

FURTHER RESOLVED, that upon the Merger becoming effective, all issued and outstanding shares of each class of stock of MEDICIS AESTHETICS HOLDINGS INC. shall be cancelled without any repayment of capital in respect thereof, and the Corporation shall not thereafter issue or cause to be issued any shares or other securities of any kind or character of MEDICIS AESTHETICS HOLDINGS INC. in connection with the Merger;

FURTHER RESOLVED, that the Certificate of Incorporation and the Bylaws of the Corporation, each as amended to date, shall not be amended and shall remain the Certificate of Incorporation and the Bylaws of the surviving corporation;

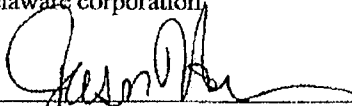
FURTHER RESOLVED, that the officers of the Corporation, and any of them, are each hereby authorized and directed to execute all documents, agreements and other instruments and to take such actions and perform such acts as they may

deem necessary or advisable to carry out and perform the purposes of these resolutions; and

FURTHER RESOLVED, that the Corporation shall cause to be executed and filed and/or recorded the documents prescribed by the laws of the State of Delaware and by the applicable laws of any other jurisdiction and will cause to be performed all necessary acts within Delaware and in any other applicable jurisdiction necessary and appropriate to effect the Merger.

The Corporation has caused this Certificate of Ownership and Merger to be signed by its Secretary on this 26 day of NOV, 2007.

MEDICIS PHARMACEUTICAL CORPORATION,
a Delaware corporation

By: 
Name: Jason Hanson
Title: Secretary